

### REMARKS

The Examiner objected to the drawings for including element 30 in figures 5 and 6 not described in the specification. The omission of the reference number 30 has been corrected in the amendments to the specification. No amended drawing sheets are necessary.

The Examiner objected to the title for not being descriptive. The title has been amended.

The Examiner identified typographical errors which we have corrected in the amendments to the specification.

We have also added claims 28 – 35.

### § 102 Rejections

The Examiner rejected claims 15 and 20-22 as anticipated by Nelson (U.S. 5,903,218). We submit that Nelson does not disclose a pool intrusion detection method comprising “generating an electrical signal in response to receiving a sound pressure wave in the liquid of a pool; and generating a trigger signal in response to receiving the electrical signal when the electrical signal includes a characteristic signature over a time period within a predetermined range of time periods,” as recited by amended claim 15.

In Nelson’s “Description of the Prior Art,” Nelson make a distinction between “acoustic transducers” and “pressure transducers”:

Pool alarm systems typically include a transducer placed below the water surface which detects disturbances in the water. Commonly, the transducer is either an acoustic transducer which detects high frequency sound waves in the water, or a pressure transducer which detects low frequency waves. (col. 1, lines 11 – 16)

Nelson goes on to describe a system that includes a pressure transducer to detect “crests” and “troughs” in the water, and even suggests that the pressure transducer can be a “surface depth sensor” (col. 5, lines 12-13). Thus, Nelson does not disclose a system that would generate an electrical signal in response to receiving a sound pressure wave, as required by amended claim 1.

We further submit that because claims 20-22 depend on independent claim 15, these claims are patentable for at least the same reasons that claim 15 is patentable.

### § 103 Rejections

#### *claims 1, 7, and 8*

The Examiner rejected claims 1, 7, and 8 as unpatentable over Nelson. The Examiner acknowledges that Nelson does not disclose “a hydrophone configured to generate an electrical signal in response to receiving a pressure wave in the liquid of a pool,” but states that Nelson discloses “a transducer that receives positive and negative pressure changes in swimming pool water and is operative to generate corresponding electrical signals (col 2 30-59),” and that “it would have been obvious to one of ordinary skill in the art to substitute a hydrophone for the transducer because they are both performing the same function.” We submit, however, that Nelson does not disclose a pool monitoring system comprising “a hydrophone configured to generate an electrical signal in response to receiving a sound pressure wave in the liquid of a pool; and a processor configured to receive the electrical signal and generate a trigger signal, when the electrical signal includes a characteristic signature over a time period within a predetermined range of time periods,” as recited by amended claim 1.

Amended claim 1 requires that the hydrophone is “configured to generate an electrical signal in response to receiving a sound pressure wave in the liquid of a pool.” Therefore, since Nelson teaches that a “pressure transducer” is different from an “acoustic transducer which detects high frequency sound waves in the water” one of skill in the art would not have been motivated to substitute any type of acoustic transducer (including a hydrophone) for Nelson’s pressure transducer since Nelson explicitly states that they do not perform the same function.

We further submit that because claims 7 and 8 depend on claim 1, these claims are patentable for at least the same reasons that claim 1 is patentable.

#### *claims 2, 3, and 16*

The Examiner rejected claims 2, 3, and 16 as unpatentable over Nelson in view of Campbell (U.S. 5,959,534). The features of amended claims 1 and 15 found to be lacking in Nelson are not disclosed in any proper combination of Nelson and Campbell. We submit that

because claims 2 and 3 depend from claim 1 and claim 16 depends on claim 15, these claims are patentable for at least the same reasons that claims 1 and 15 are patentable, respectively.

*claim 12*

The Examiner rejected claim 12 as unpatentable over Nelson in view of Chatingy (U.S. 5,153,859). Chatingy does not disclose the features of amended claim 1 found to be lacking in Nelson. We submit that because claim 12 depends on claim 1, claim 12 is patentable for at least the same reasons that claims 1 is patentable.

*claim 13*

The Examiner rejected claim 13 as unpatentable over Nelson in view of Laud (U.S. 4,772,876). Laud does not disclose the features of amended claim 1 found to be lacking in Nelson. We submit that because claim 13 depends on claim 1, claim 13 is patentable for at least the same reasons that claims 1 is patentable.

*claim 14*

The Examiner rejected claim 14 as unpatentable over Nelson in view of Laud and further in view of Gendel (U.S. 6,127,936). Neither Laud nor Gendel discloses the features of amended claim 1 found to be lacking in Nelson. We submit that because claim 14 depends from claim 1, claim 14 is patentable for at least the same reasons that claims 1 is patentable.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

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Enclosed is a \$300.00 check for excess claim fees. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket 15627-002001.

Respectfully submitted,

Date: 4-7-05



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